



# UNITED STATES PATENT AND TRADEMARK OFFICE

*TD*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,192	07/31/2001	Tracy D. Powers	P5387	3966

32658 7590 08/04/2006

HOGAN & HARTSON LLP  
ONE TABOR CENTER, SUITE 1500  
1200 SEVENTEEN ST.  
DENVER, CO 80202

EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/919,192	<b>Applicant(s)</b> POWERS ET AL.	
	<b>Examiner</b> Ramsey Refai	<b>Art Unit</b> 2152	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-7, 9-11 and 17-20.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.


#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.


  
**WILLIAM VAUGHN**  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

Ramsey Refai  
 AU 2152  


Continuation of 11. does NOT place the application in condition for allowance because: In the remarks, the Applicant argues in substance that:

A) Weber fails to teach a reconfiguration center that receives a reconfiguration request and in response transfers a logical implementation selected or created based on the reconfiguration request and the first configuration to the client data storage system via the storage management host B) Weber fails to teach receiving a reconfiguration request and determining a first configuration of a master storage unit C) Weber fails to teach based on the monitoring, transmitting from the remotely-located reconfiguration system a recommended reconfiguration for the master storage unit to the client data storage system

In response, the Examiner respectfully disagrees. Weber teaches a remotely locate management station that contains a program which displays a list of devices that are monitored and managed. The program can display the current state, status and configuration of each device and includes logic, which allows a user to submit management and configuration commands to the managed devices (column 9, lines 64-67). The controller/servers connected to the storage subsystems receive and implement these management and configuration commands. The status indicator on display indicates whether or not any of the managed devices have problems (request) and need attention. The user can then use the display to view the status and configuration of the device. When the user wants to change the configuration of a device, the user can display the current configuration for the device and implement changes to the current configuration. The updated configuration is then transmitted to the controller/server connected to the storage system which then implements the configuration changes. (See column 17, lines 19-50, column 13, lines 35-63, column 14, lines 8-40, column 11, lines 25-64, column 7, lines 20-48, column 5, lines 33-61). Therefore rejection is maintained..



**WILLIAM VAUGHN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**